

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00014

TABATHA DEAVERS
AMY DEAVERS
BRITTANY KING
.

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Amy Deavers for a continuance of the trial in this matter. (ECF No. 78.) Counsel for defendant explains that additional time is needed to fully review the discovery produced for the purpose of filing pre-trial motions, if any, and to adequately prepare for trial. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

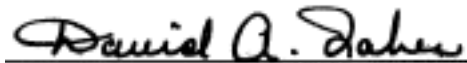
Accordingly, the court hereby **ORDERS** as follows:¹

1. The deadline for the filing of pretrial motions is continued to August 17, 2023;
2. The Pretrial Motions Hearing is continued to August 29, 2023, at 2:30 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by September 26, 2023;
4. Trial of this action is continued to October 3, 2023, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 30th day of June, 2023.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge

¹ As no motion for severance has been granted, these new dates (and the court's findings regarding excludable time under the Speedy Trial Act) apply to defendants Tabatha Deavers and Brittany King as well.